

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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*Ex parte* JULIE STRAUB, DAVID ALTREUTER,  
HOWARD BERSTEIN, DONALD E. CHICKERING III,  
SARWAT KHATTAK, and GREG RANDALL

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Appeal No. 2008-3948  
Application No. 10/053,929

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Mailed: September 30, 2008

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Before DALE M. SHAW, *Chief Appeals Administrator*  
SHAW, *Chief Appeals Administrator*.

ORDER REMANDING TO EXAMINER

On April 9, 2007, Appellants filed a Notice of Appeal. On July 9, 2007, Appellants filed an Appeal Brief. On December 18, 2007, Appellants filed a Reply Brief and a Request for Oral Hearing. On June 10, 2008, the Board of Patent Appeals and Interferences (hereinafter "Board") mailed a Docketing Notice.

**INFORMATION DISCLOSURE STATEMENT**

Appellants filed an Information Disclosure Statement (IDS) dated September 4, 2008. There is no indication on the record that the Examiner has considered the above IDS. MPEP § 609 requires the Examiner to consider any IDS filed by Applicant if timely submitted. A written communication notifying Appellants of the Examiner's consideration of the above IDS is required.

**CONCLUSION**

Accordingly, it is

ORDERED that this application be returned to the Examiner to:

- (1) consider the IDS filed September 4, 2008; and
- (2) for such further action as may be appropriate.

If there are any questions pertaining to this Remand, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

DMS/clj

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